

REMARKS

Claims 1-16 are currently active.

The Examiner has objected to the drawings. Applicant is uncertain why the Examiner is objecting to the figures in regard to the metal heat plate. In figures 3, 4, 6, 7, 9 and 10, the plate 40 is shown. Does the Examiner request a separate new figure of the plate itself? Formal drawings will be provided when the application is allowed.

The Examiner has rejected Claims 12-14 under 35 U.S.C. 112, second paragraph. The Examiner states that the metal heat plate is indefinite as being misdescriptive. Respectfully, on page 4, lines 4-12, the metal heat plate 40 is disclosed.

The Examiner has rejected Claims 1-16 as being unpatentable over Finn in view of Usher. Applicant respectfully traverses this rejection.

Applicant specifically chose the limitation that the means for lighting included at least one lamp and one transformer electrically connected to the lamp with the lamp being either a low voltage or line voltage lamp. This limitation specifically directed the claimed invention to only certain types of lamps, low voltage or line voltage lamps which require a

transformer. That is all the claimed invention is attempting to deal with or speak to. Respectfully, it is submitted the Examiner seems to be completely ignoring the criticalness of these limitations. The applied art of record separately or in combination, fail to teach or suggest applicant's claimed invention.

More specifically, Finn teaches a light diffusion box that has stage-type lights 75, 76, 77 and 78 that are clamped onto a bar 14 supported by a housing. There is nothing special about these lights, and they certainly are not line voltage or low voltage lamps, and accordingly, there is no need or suggestion of a transformer present. In fact, from the teachings of Finn, the specific application of these lights, for a stage, requires them to be quickly mounted and unmounted from the bar 14 and essentially allows any suitable mounting structure to be present. This is consistent for the specific usage of these lights, for the entertainment industry including motion pictures, television and theatrical arts, where, as scenes change during a play or movie, the lighting needs to be able to be changed quickly. See column 4, lines 11-24 and column 1, lines 10-15.

It is in this context, that the Examiner attempts to combine the teachings of Usher to arrive at applicant's claimed invention. However, Usher teaches a tubular lighting system that has nothing to do with applicant's claimed invention, nor the teachings or the context of Finn, which is lighting for the entertainment industry.

The Examiner is reminded it is black letter law that hindsight cannot be used to arrive at applicant's claimed invention. There must be some teaching or suggestion in the references themselves that have teachings which are being combined, to combine such teachings to arrive at applicant's claimed invention. Here, there is no teaching or suggestion in the references themselves to combine the references. The only teaching is from the hindsight of applicant's claimed invention. It is submitted that is exactly what the Examiner is using to arrive at applicant's claimed invention. The Examiner is using applicant's claims as a road map to find the various different elements or limitations of applicant's claimed invention in different references of the prior art, and having found them, concludes that applicant's claimed invention is arrived at.

Furthermore, not only is there no teaching or suggestion in the applied art of record to combine the applied art of record, but the Examiner is also reminded that when teachings are combined, they must be combined in the context in which they are found. As already explained above, the tubular lighting system taught by Usher has nothing to do with the entertainment lighting system taught by Finn. To use the tubular lighting system taught by Usher, would require a complete redesign of the system taught by Finn, to the point where the basic system taught by Finn would completely disappear and have to be redesigned and would not serve any of its purposes, such as to be able to quickly be mounted or unmounted. Finn's lighting system is very simple; the lighting system taught by Usher is much more complex in

order to operate and it cannot be simply applied to the entertainment industry or the lighting system taught by Finn and would not allow the quick connect or disconnect of a light to a bar so that a lighting scene can be quickly changed depending on what scene in a movie or a play is currently being acted.

The Examiner cannot ignore these extreme differences and just pick and choose individual components and suddenly say that applicant's claimed invention is arrived at. Again, applicant stresses that his limitation language that there be at least one lamp having a transformer electrically connected to it, and that lamp being either a low voltage or a line voltage lamp, completely removes any sensible and reasonable conclusion that the teachings of Finn can in any way be applied to arrive at applicant's claimed invention. This is further stressed by trying to combine the extremely distinct lighting system of Usher, where anyone skilled in the art would realize that these references have nothing to do with one another or would require a complete redesign and development to even possibly combine them, but by so doing would remove the specific purpose and the context in which each of these teachings are found. Accordingly, applicant's claimed invention is patentable over Finn in view of Usher.

In view of the foregoing remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-16, now in this application be allowed.

Respectfully submitted,

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I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 7/3/03

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